

1 JOHN W. BERRY (Cal. Bar No. 295760) (admitted *pro hac vice*)

Email: berryj@sec.gov

2 AMY JANE LONGO (Cal. Bar No. 198304) (admitted *pro hac vice*)

Email: longoa@sec.gov

3 LESLIE A. HAKALA (Cal. Bar. No. 199414) (admitted *pro hac vice*)

4 Email: hakalal@sec.gov

5 Attorneys for Plaintiff

Securities and Exchange Commission

6 Michele Wein Layne, Regional Director

7 Lorraine Echavarria, Associate Regional Director

John W. Berry, Regional Trial Counsel

8 444 S. Flower Street, Suite 900

Los Angeles, California 90071

9 Telephone: (323) 965-3998

10 Facsimile: (213) 443-1904

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

15 SECURITIES AND EXCHANGE  
16 COMMISSION,

17 Plaintiff,

18 vs.

19 BANC DE BINARY LTD, OREN  
20 SHABAT LAURENT (f/k/a OREN  
21 SHABAT), ET BINARY OPTIONS LTD.,  
22 BO SYSTEMS LTD. SEYCHELLES and  
BDB SERVICES LTD. SEYCHELLES,

23 Defendants.

Case No.: 2:13-cv-00993-RCJ-VCF

**STIPULATION AND PROPOSED ORDER  
FURTHER STAYING ACTION PENDING  
POTENTIAL SETTLEMENT**

25 WHEREAS, Plaintiff Securities and Exchange Commission (the "SEC") and Defendants  
26 Banc de Binary Ltd, Oren Shabat Laurent, ET Binary Options Ltd., BO Systems Ltd. Seychelles,  
27 and BDB Services Ltd. Seychelles, have reported to the Court that they reached a potential  
28 settlement in principle that would resolve this action and the action *CFTC v. Banc de Binary Ltd*

1 *et al.*, Case No. 2:13-cv-00992-MMD-VCF (the “CFTC Action”);

2 WHEREAS, the defendants in this action and the CFTC Action, counsel for the CFTC  
3 and counsel for the SEC have executed a Term Sheet re: Proposed Global Settlement, dated  
4 August 27, 2015, reflecting the terms of their proposed agreement in principle (the “Proposed  
5 Global Settlement”);

6 WHEREAS, the Proposed Global Settlement is subject to approval by both the  
7 Commissioners of the SEC and the Commissioners of the CFTC;

8 WHEREAS, in the interests of efficiency for the Court and the parties, the parties  
9 previously agreed to stay this action, subject to the Court’s approval, so that the parties can  
10 attempt to finalize the governing documents for the Proposed Global Settlement, counsel for the  
11 SEC can recommend the settlement to the SEC Commissioners, and the parties can file, if  
12 approved by the SEC Commissioners, any resulting final settlement papers (*see* Dkt. No. 137);

13 WHEREAS, the Court approved and ordered the requested stay, staying the action until  
14 October 23, 2015 unless a party filed a notice to lift that stay (*see* Dkt. No. 138);

15 WHEREAS, the parties previously agreed to extend the stay, subject to Court approval,  
16 to continue the process of finalizing the settlement documents and obtaining Commission  
17 approval (*see* Dkt. No. 139);

18 WHEREAS, the Court approved the parties’ stipulation, staying the action until  
19 December 31, 2015, unless a party filed a notice to lift that stay (*see* Dkt. No. 140);

20 WHEREAS, because the parties have made substantial progress toward finalizing the  
21 governing documents for the Proposed Global Settlement, the parties have agreed to stay the  
22 action further, subject to the Court’s approval, for an additional six weeks, so that the parties can  
23 finish finalizing the settlement documents (including those needed for foreign jurisdictions), so  
24 counsel for the SEC can recommend the settlement to the SEC Commissioners, and so the parties  
25 can file, if approved by the SEC Commissioners, any resulting final settlement papers; and

26 WHEREAS, the parties to the CFTC Action are simultaneously filing a similar proposed  
27 stipulation and order to stay the CFTC Action, for the same duration;  
28

1           FOR THE REASONS SET FORTH ABOVE, IT IS HEREBY STIPULATED, by and  
2 among counsel for the parties as follows:

3           1.       This action is stayed until February 8, 2016.

4           2.       Before February 8, 2016, this stay shall be lifted without further action by the  
5 Court upon the filing of a notice by any party to lift the stay, at which point the litigation shall  
6 immediately resume on the filing date of that notice, with the parties restored to their respective  
7 positions as of the date of this stipulation. No party can challenge or dispute the filing of a notice  
8 to lift the stay by another party. To the extent the stay is lifted by such notice by a party, the  
9 defendants' response to the SEC's pending summary judgment motion (Dkt. Nos. 126, 128) shall  
10 be due four business days after the notice is filed. Moreover, within five business days of the  
11 filing of party's notice to lift the stay, the parties agree to jointly request a status conference with  
12 the Court to address the remaining pretrial and trial schedule.

13          3.       If the SEC Commissioners do not approve a settlement or a final settlement is not  
14 otherwise reached, with all definitive final documents filed with the Court, by February 8, 2016,  
15 then the litigation shall resume on that day, without further action of the Court and with the  
16 parties restored to their respective positions as of the date of this stipulations. The defendants'  
17 response to the SEC's pending summary judgment motion (Dkt. Nos. 126, 128) shall be due  
18 February 8, 2016. Moreover, on or before February 12, 2016, the parties agree to jointly request  
19 a status conference with the Court to address the remaining pretrial and trial schedule.

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 Dated: December 29, 2015

Dated: December 29, 2015

2 /s/ John W. Berry (w/ permission)

/s/ Rachel Hirsch

3 John W. Berry

A. Jeff Ifrah

Amy J. Longo

Rachel Hirsch

4 Leslie A. Hakala

Ifrah Law

444 S. Flower Street, 9th Floor

1717 Pennsylvania Avenue, NW, Suite 650

5 Los Angeles, CA 90071

Washington, DC 20006-2004

6 Telephone: (323) 965-3998

Telephone: (202) 524-4140

Facsimile: (213) 443-1904

Facsimile: (202) 524-4141

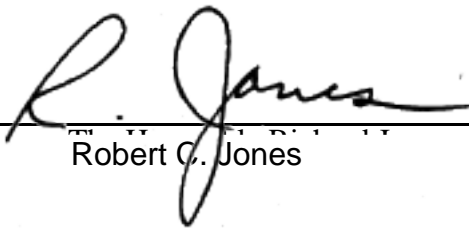
7  
8 *Attorneys for Plaintiff*

*Attorneys for Defendants*

9 *Securities and Exchange Commission*

10 IT IS SO ORDERED.

11 DATED this 25<sup>th</sup> day of January, 2016.

12  
13   
14 Robert C. Jones

**PROOF OF SERVICE**

I am over the age of 18 years and not a party to this action. My business address is:

1717 Pennsylvania Avenue, Suite 650  
Washington, D.C. 20006  
Telephone No. (202) 524-4140; Facsimile No. (202) 524-4141.

On December 29, 2015, I caused to be served the document entitled **STIPULATION AND PROPOSED ORDER FURTHER STAYING ACTION PENDING POTENTIAL SETTLEMENT** on all the parties to this action addressed as stated on the attached service list:

☐ **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

☐ **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

☐ **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

☐ **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

☐ **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

☐ **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

☒ **E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

☐ **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: December 29, 2015

/s/ Rachel Hirsch

Rachel Hirsch

**SEC v. Banc de Binary Ltd, et al.**  
**United States District Court – District of Nevada**  
**Case No. 2:13-cv-00993-RCJ-VCF**

**SERVICE LIST**

John W. Berry, Esq.  
Amy J. Longo, Esq.  
Leslie A. Hakala, Esq.  
Securities and Exchange Commission  
444 S. Flower Street, Suite 900  
Los Angeles, California 90071  
Telephone: (323) 965-3998

*Attorneys for Plaintiff*

Craig S. Denney, Esq.  
Greg Brower, Esq.  
Carrie L. Parker, Esq.  
SNELL & WILMER L.L.P  
50 West Liberty Street, Suite 510  
Reno, NV 89501  
cdenney@swlaw.com  
gbrower@swlaw.com  
cparker@swlaw.com  
Tel: (775) 785-5440

*Attorneys for Defendants*